

FILED
US DISTRICT COURT
DISTRICT OF ALASKA

2005 DEC -2 PM 2:43

RR

TIMOTHY M. BURGESS
United States Attorney

JAMES A. GOEKE
Assistant U.S. Attorney
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9, Room 253
Anchorage, Alaska 99513-7567
(907) 271-5071

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

| | | |
|---------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA, |) | Case No. J05-0004-03 CR (JWS) |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | <u>UNITED STATES'</u> |
| |) | <u>OPPOSITION TO MOTION</u> |
| TWILA JO DAVIS, |) | <u>TO AUTHORIZE</u> |
| |) | <u>SUBSTANCE TREATMENT</u> |
| Defendant. |) | <u>PENDING IMPOSITION OF</u> |
| |) | <u>SENTENCE</u> |
| |) | |

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, and opposes the defendant's motion to authorize substance treatment pending imposition of sentence. The United States understands the defendant's desire to proceed with substance abuse treatment, but must oppose the defendant's motion.

First, the defendant must be detained pending sentencing pursuant to 18 U.S.C. § 3143(a)(2). Section 3143(a)(2) provides in relevant part that the Court:

shall order that a person who has been found guilty of an offense in a case described in subparagraph (A), (B), or (C) or subsection (f)(1) of section 3142 and is awaiting imposition of sentence shall be detained unless—. . .

(A)(ii) an attorney for the Government has recommended that no sentence of imprisonment be imposed on the person; and (B) the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community.

Here, the United States will recommend a sentence of imprisonment and the defendant has been convicted of a crime described in subparagraph (C) of 18 U.S.C. § 3142(f)(1).

Second, the defendant will be able to avail herself of substance abuse treatment through the Bureau of Prisons shortly. There is no reason to delay sentencing for substance abuse treatment at this late date as the defendant is currently set to be sentenced on January 9, 2006.

///

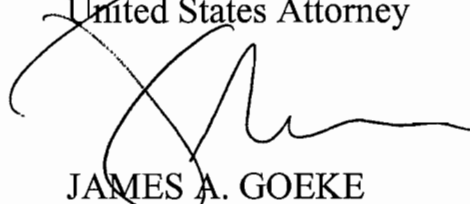
///

///

///

RESPECTFULLY SUBMITTED this 2nd day of December, 2005, at
Anchorage, Alaska.

TIMOTHY M. BURGESS
United States Attorney



JAMES A. GOEKE
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I declare under penalty of perjury that a true and correct copy of the foregoing was sent to the following counsel of record on December 2, 2005, via:

(✓) U.S. Mail
(✓) FAX

Scott Sterling
Attorney at Law
851 E. Westpoint Drive, Ste. 201
Wasilla, AK 99654
FAX: 907-376-8078

Executed at Anchorage, Alaska, on December 2, 2005.



Office of the U.S. Attorney